

**Arkansas State Board of Chiropractic Examiners
Board Meeting
Tuesday, October 17, 2017**

CALL TO ORDER

The meeting was called to order by Kent Moore, D.C., President, at 9:01 a.m.

ROLL CALL

Board Members present:

Dustin Heard, D.C.
Jack McCoy
Thomas D. Taylor, D.C.
Tanya Holt, D.C.
Harold Gunter
Michael Courtney, D.C.
Kent Moore, D.C.

Board Members absent:

None

Guests Present:

Laurie Mayhan, Executive Director
Reid Adkins, Assistant Attorney General
Chris Cathey, D.C.
C. Michael DuPriest, D.C.
Terrance P Carolan, D.C.
Jessica Dziurkowski, D.C.
Michael Goebel, D.C.
David McCoy

MINUTES

The July 20, 2017 minutes were presented to the Board. Dr. Taylor motioned to amend page 2 of the July minutes regarding the examination officer, in that it should have been Dr. Taylor who was appointed not Dr. Heard, and on page 6 of the minutes under MRI it should read, Seconded by Dr. Holt. Dr. Courtney seconded the motion. Motion passed.

DIRECTOR'S REPORTS

Budget Report

An itemized cash flow statement for July thru October 13, 2017 was presented to the Board, along with the monthly service bureau report. The total amount expended thus far for fiscal year 2018 (July 01, 2017-Oct. 13, 2017) is \$42,229.64 with \$148,649.36 remaining of the FY18 budget (\$190,879.00). The total revenue received thus far for fiscal year 2018 is \$24,429.35, which includes money received and interest on COI. Beginning balance/COI for FY18, as of July 1, was \$449,181.00 which does not include the agency cash fund of \$150,000. So, total balance including Fund Balance and Cash Fund at the beginning of FY18 was \$599,181.00. According to the monthly service bureau report presented, the current balance on COI as of October 1 is \$435,019.98.

CE Report FY2018

(July 1, 2017 – June 30, 2018)

Status	Apps received	Class hours offered	Fee Due	Fee Paid
Approved	126	1967.5	\$9,837.5	\$9,837.5
Approved with Exception	0	0	\$0.00	\$0.00
Not Approved	0	0	\$0.00	\$0.00
Pending	2	59	\$295.00	\$295.00
Cancelled	0	0	\$0.00	\$0.00
Incomplete	0	0	\$0.00	\$0.00
Void	0	0	\$0.00	\$0.00
Total:	128	2,026.5	\$10,132.50	\$10,132.50

Dr. Heard asked the Board for direction as to whether or not one of the pending applications regarding Veterinary Chiropractic should be approved for continuing education or not. The main topics of discussion was; course is not accredited, and that continuing education should only relate to treating human beings as the AR chiropractic scope of practice only mentions humans beings. Dr. Holt motioned to deny the application for continuing education. Motion seconded by Mr. Gunter. Motion passed.

2018 License Renewals

631 license renewal forms have been mailed.

- 60 completed renewals have been received and processed as of 10/13/17.
- 571 license renewals still remain to be submitted

FOIA Report

A total of **15** Freedom of Information Act requests have been received from 7/1/17 thru 10/12/17.

A motion to accept the Directors reports was made by Dr. Taylor. Motion seconded by Dr. Heard. Motion passed unanimously.

OLD BUSINESS

Proposed legislative changes / rule changes regarding: Part IV, NBCE transcript, Corp. Certificates/registrations, Complaint procedures, Animal Chiropractic, Fill in/ vacation coverage, Temporary license rule, etc.

Again, proposed rules and or legislation were presented to the Board for consideration as it was tabled from the last meeting. Some items have already been approved by the Board where as others have not. Dr. Courtney motioned that the Board stay with the current acupuncture rule and remove the proposed changes from the RRS draft. Dr. Heard seconded the motion. Dr. Taylor abstained. Motion passed.

Dr. Heard briefly updated the Board on the status of the electronic jurisprudence exam through the NBCE. Dr. Heard reported that we have forwarded our recent legislative changes to Dr. Shotts in order to keep our JP exam current. He also stated that the exam may be ready by January 1.

Dr. Moore gave the floor to Dr. C. Michael DuPriest who wanted to discuss the proposed legislation he submitted regarding an Internship program. He wanted to follow up to see if the Board would consider the program as the V.A. is willing to start a student preceptorship program through a few of the surrounding chiropractic colleges. Dr. DuPriest added that the language is not specific to the V.A. and would allow for interns to work with other chiropractic physicians in their clinics as well. Dr. Courtney motioned to consider this language for the 2019 Legislative Session. Mr. Gunter seconded the motion. Motion passed.

Dr. Taylor also motioned to get powerpolls from FCLB regarding internship laws of other state chiropractic boards. Mr. McCoy seconded the motion. Motion passed.

Powerpoll Re: background checks

A powerpoll was requested in a previous Board meeting regarding how often other state chiropractic boards run background checks. The Board wanted to know how they could be informed about licensees who may have been convicted of a felony after receiving a license. As of today, our language does not allow for the Board to run background checks on current licensees only applicants. Current licensees are supposed to self-report on their renewal form. Board tabled this item to be discussed again next year. Also maybe make this a FCLB discussion topic.

Acupuncture Powerpoll- Term used

A powerpoll was requested at the last meeting regarding what terms are used by other state chiropractic boards for their chiropractors who practice acupuncture. Dr. Courtney motioned to make a regulation change stating that those doctors, who are certified to practice acupuncture, must use the terms certified in acupuncture or certified acupuncturist. Motion seconded by Dr. Holt. Motion passed.

Letter to Board Re: practice/Traylor Clinic Articles

The articles of incorporation were requested by the Board and have been provided by the Traylor Chiropractic clinic. Dr. Courtney asked the Board's attorney for his recommendation on this matter and the assistant attorney general stated that the Board doesn't really have any action to take on this item as the Board does not issue certificates for corporations. Thus there isn't anything for the board to revoke or take action on. The topic of the articles of incorporation for the Traylor clinics was tabled until December.

Dr. Courtney motioned to request a copy of the medical and dental board's corporation act in and study those for future consideration. Motion seconded by Dr. Taylor. Motion passed.

An additional motion made by Dr. Taylor is to promulgate a rule regarding the professional corporation act, for the Board to issue a certificate for chiropractic corporations. Mr. McCoy seconded the motion. Motion passed.

Board also requested copy of the veterinary corporation rule.

Scope of Practice: Imaging/Five Rivers Medical Center

Additional clarification was requested with regard to "ordering" imaging, even with contrast. FRMC asked that the Board readdress the question regarding the types of imaging procedures ordered within the chiropractor's scope of practice. Dr. Courtney motioned that a response be sent to Ms. Brown stating that all imaging is in the scope of chiropractic practice. Dr. Moore seconded the motion. Dr. Taylor asked the board's attorney what his opinion was and the attorney stated that he would quote the statute and tell them to see legal counsel. Motion passed.

CLEST Re: Physicals

The Commission on Law Enforcement Standards and Training (CLEST) was to review the Boards letter dated 8/7/17 at their meeting on 10/12/17. The letter was regarding the reconsideration of accepting physicals from chiropractors for basic training students. At this time, a response has not been received with regard to the letter sent on 8/7/17. The Board's director will follow up with the commission to see if a response is forthcoming.

NEW BUSINESS

Student Rotations at AR V.A. hospital (presented by Dr. DuPriest)

This item was discussed during the director's reports above.

Life West, CCE Status

A public disclosure notice was sent to the agency from CCE stating that Life Chiropractic College West in Hayward, CA notified CCE that they would be voluntarily withdrawing its institutional accreditation status only. However, its programmatic accreditation status with CCE is still being maintained. This is just informational as the accreditation status of the institution does not affect the chiropractic programs accreditation. No action taken by Board.

Legislative Audit FY2016

Recently the agency went through legislative audit for fiscal year 2016. The audit report was presented to the Legislative Joint Auditing Committee and was filed on September 8, 2017 with zero audit finding. There was a "verbal" given to the agency that was regarding data integrity within the agency's database. The agency has diligently been working with the vendor to fix the data integrity within the database and feels that this should not come up in the next audit. This item is just informational and no action is needed by the board.

National Practitioner Database (NPDB) compliance report for 2015

Recently the agency went through a compliance check with CIN-BAD and NPDB. This audit is to make sure we are current on our reporting of actions taken by the board against licensees and or applicants. The agency was found to be compliant during calendar year 2015 and was given the status of compliant on the NPDB report. This item is informational and no action is needed by the board.

FAA Basic Med Flight Physical Program

It was recently brought to the agency's attention that chiropractors have been included in the FAA BasicMed Flight Physical Program, so long as the state in which DC is license can perform such a physical and is a licensed chiropractic physician.

Investigator submissions

Due to the nonrenewal of the last investigators annual agreement, the board has been without and investigator since July 1, 2017. At the July meeting, it was discussed that the Board members would propose names to choose from, however no names have been provided. Dr. Courtney stated he preferred that the Board hire a professional investigator. Dr. Taylor seconded the motion. Discussion: Dr. Courtney stated that the Board has used Dennis Hendrix in the past. Dr. Moore stated that we will contact Mr. Hendrix first, but if he is unavailable, we will try and contact other investigators. Motion passed

The idea of a Board liaison for complaints was briefly discussed but was tabled for the next meeting.

CJIS Training- Background checks

As the board is now running federal background checks on applicants, it is required for any or all board members and staff to take and pass the CJIS training in order to process, receive or review the results of the background check. The board briefly discussed whether they wanted to be privy to that information. It was explained to the board that in order to know the specifics of an applicant's background check they will have to be certified through CJIS before they can review the information. Dr. Heard motioned that all members go through the CJIS training. Motion seconded by Mr. McCoy. Motion passed.

Temporary License Application & Original License Application

Justin D Coffeen submitted a completed license application along with a temporary license application request. Dr. Courtney motioned to accept the temporary license application. Dr. Heard seconded the motion. Motion passed

Dorothy A Pernell submitted a completed license application. However, she does not have Part IV due to it was not available at the time of her graduating chiropractic college. Dr. Heard motioned to accept the license application. Dr. Moore seconded the motion. Motion passed.

FCLB District Meeting Highlights

This year's District III & V meeting was in Quebec City, Quebec. Mr. McCoy attended the meeting. Some of the topics from this year's district meeting were settlement agreements, monitoring arrangements, dual relationships, specialty certifications, and FAA BasicMed Flight Physical program. Additionally, the FTC/Supreme court decision continues to be a topic of interest. Mr. McCoy stated that the big topic of discussion this year was opioids and some of the actions taken by other states, especially Rhode Island. Rhode Island has passed a law to prohibit insurance companies from imposing treatment limits on patients with substance use disorders. RI code Ann. § 27-38.2-1(h) states, "Patients with substance use disorders shall have access to evidence-based non-opioid treatment for pain, therefore coverage shall apply to medically necessary chiropractic care, and osteopathic manipulative treatment performed by an individual licensed under § 5-37-2."

ADJOURN

Dr. Courtney moved to adjourn. Dr. Holt seconded the motion. The motion passed unanimously. The Board adjourned at 11:03 a.m.

Board minutes approved: 12/07/2017